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7 Attorneys for Defendant
CATERPILLAR INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 KENNETH ORNDORF,
13 Plaintiff.

14 || v.

15 CATERPILLAR INC., a Delaware
16 Corporation and DOES 1 through 50,
inclusive.

17 | Defendants.

Case No. 5:08-cv-01276-JW

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

Judge: Hon. James Ware

19 Counsel report that they have met and conferred regarding ADR and have
20 reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

21 The parties agree to participate in the following ADR process:

Court Processes:

23 ___ Non-binding Arbitration (ADR L.R. 4)
24 ___ Early Neutral Evaluation (ENE) (ADR L.R. 5)
25 ___ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this

1 form. They must instead file a Notice of Need for ADR Phone Conference. See
2 Civil Local Rule 16-8 and L.R. 3-5)

3 **Private Process:**

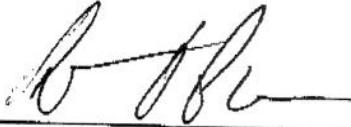
4 Private ADR (please identify process and provider): Private
5 mediation. The parties will work together to choose a mutually agreeable private
6 mediator.

7
8 The parties agree to hold the ADR session by:

9 the presumption deadline (*The deadline is 90 days from the date of*
10 *the order referring the case to an ADR process unless otherwise*
11 *ordered.*)
12 other requested deadline: December 15, 2008

13
14 DATED: May 30, 2008

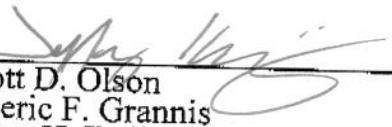
LAW OFFICES OF ROBERT D. PONCE

15
16 By: 
17

18 Robert D. Ponce
19 Attorneys for Plaintiff
KENNETH ORNDORF

20
21
22 DATED: May 30, 2008
23 *6/2/08*

SEDGWICK DETERT MORAN & ARNOLD LLP

24
25 By: 
26

27 Elliott D. Olson
Frederic F. Grannis
Jeffrey H. Ikejiri
28 Attorneys for Defendant
CATERPILLAR INC.

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Case No. 5:08-cv-01276-JW

[Signature]
**[PROPOSED] ORDER SELECTING
ADR PROCESS**

Judge: Hon. James Ware

17 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

18 Non-binding Arbitration
19 Early Neutral Evaluation (ENE)
20 Mediation
21 Private ADR
22

23 Deadline for ADR session

24 90 days from the date of this order.
25 Other: December 15, 2008

26 **IT IS SO ORDERED**

27 DATED: June 2, 2008

James Ware
UNITED STATES DISTRICT JUDGE